

REMARKS

Reconsideration of the present application as amended is earnestly solicited. The application includes 4 claims, each of which is rejected in view of either Adamchick alone or Adamchick combined with another references. The Adamchick patent no. 5,761,668 was cited as a §102(e) reference. Applicant has submitted Declarations dated June 13, 2000 and November 24, 2000 under 37 C.F.R. § 1.131 antedating this primary reference. The declaration of June 13 was not considered due to the perceived omission of a showing that the invention was developed for use in a computer. The second declaration of November 24 was submitted to address this problem. Now, a new deficiency is noted.

Applicant now submits the attached Declaration showing reasonable diligence in the reduction of the invention to practice during the period just preceding March 8, 1996, the Adamchick filing date, to June 22, 1998, Applicant's filing date. Withdrawal of these rejections is believed to be appropriate in view of antedating the primary reference Adamchick and ensuing showing of reasonable diligence.

The inventor, Wesley Stout, has worked continuously on this invention since its conception. He has worked to develop his invention to the greatest extent possible, though hampered at times due to medical problems on the part of both he and his wife. Some of the medical problems are due to shrapnel received during World War II that cannot be removed which to this day causes recurring problems.

Mr. Stout was also recovering from quadruple heart bypass surgery during the early part of the critical period. A considerable amount of time and energy was spent thereafter dealing with the Veterans Administration concerning benefit payments and insurance coverage for his medical expenses, money that he hoped to use to develop his invention. Nevertheless, he managed to devote significant, continuous time to his invention.

Even after Mr. Stout developed his Y2K solution, it had not been tested to his satisfaction. He wanted to be sure that his Y2K solution was workable in industry. He researched the solution for soundness and contacted several business people to assess the value of his solution and solicit their help in testing to prove his solution. Since he had no date sensitive systems of his own, he considered the involvement of business to be very desirable. During the critical period just preceding March 8, 1996 and extending to June 22, 1998, Mr. Stout contacted numerous businesses and organizations trying to engage someone to help him test his Y2K solution in an actual business environment. This activity is detailed in the attached declaration.

During this time, Mr. Stout's wife fell ill. On June 18, 1997, she had extensive surgery, including a hysterectomy and bladder drainage. During this surgery, it was discovered that Mrs. Stout also had cervical cancer, which required the removal of most of the cervix. This was followed by radiation therapy. She then underwent abdominal surgery on August 1, 1997 to repair damage caused by the radiation treatments.

The associated stress and after affects of their combined surgeries notwithstanding, Mr. Stout continued his efforts to engage a party to test his Y2K solution in a real-time business environment throughout the critical period. Through these efforts, Mr. Stout was successful in generating interest in his solution as indicated by responses he received. Some of these are also noted in his declaration.

It is earnestly believed that the Applicant, Wesley Stout, has proceeded with such reasonable and continuous diligence as could be expected of a person of Mr. Stout's means and under the circumstances. Although he was able to devise a solution to the Y2K problem where others had failed, Mr. Stout realized that he would need business help to prove that his invention would indeed solve the problem in a business and industry setting. His continued efforts to make such an arrangement during this period are evidence of the dedication he had towards his invention. Mr. Stout is a man of but modest means. Yet he endured the hardships and finally saved enough money to be able to file his patent application. No one under the circumstances could have been asked to do more to reduce his invention to practice, which he ultimately achieved.

Since Applicant has sworn behind Adamchick, it is no longer available as a reference in this case. No other art of record discloses subject matter similar to Adamchick. Having established reasonable diligence in the reduction to practice during the critical period, claims 1-4 are believed to be immediately allowable.

Reconsideration of the present application in view of the accompanying § 1.131 Declaration and the foregoing remarks is requested. It is believed that the application, including claims 1-4 are in condition for allowance. Action toward that end is solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael D. Beck". The signature is fluid and cursive, with the first name "Michael" and last name "Beck" clearly legible. The middle initial "D." is smaller and less distinct. The signature is written over a horizontal line.

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